

Chairman Genachowski and whomever this may concern at the FCC,

Please do not cave to the incumbent duopoly Big Cable & Phone ISPs wanting to become content and application gatekeepers on the Web. If you reclassify broadband a telecommunications service under Title II of the 1996 Telecommunications Act which is possible and re-regulate the broadband providers you can use statutory authority to protect the Open Internet. Your chances of maintaining Net Neutrality will be higher this way than using the weak ancillary authority the Bush FCC used against Comcast and lost in court with.

If you stand strong and protect the best interests of consumers you can create a great legacy for yourself as a Commissioner who supported the public, stood with the public and protected the Open Internet. If you let the incumbents continue to run things though your legacy will be undermined. You can either create a positive, progressive legacy of change and hope on the Web or allow gatekeepers to come in and decide which voices get heard on the Web and which don't. The Internet is our last democratic medium for free speech, that enables communication uncensored by corporations or government don't let corporations take away our Internet. It's our Internet not their's. We do not want corporate censorship anymore than we want government censorship. Censorship by government or corporations is wrong. We want unfettered nondiscriminatory open, affordable and equal fast Internet access to be available for every American who wants it. The following is an article describing the FCC about to cave to the incumbents. This is a nightmare scenario for everyone wanting the Open Internet to stay open. This would be terrible for Internet users. No doubt the SaveTheInternet.com coalition will continue fighting for an Open Internet and will continue to press your agency to use statutory authority which includes reclassifying broadband service a telecommunications service. An Open Internet and expanded universal broadband service are essential for education, commerce, telecommunication, maintaining the free flow of information on the Web etc. As such digital literacy is an important issue and more students need to be educated to be able to use digital tools.

Federal Communications Commission Chairman Julius Genachowski appears ready to cave in to demands of ISPs that it leave them alone, and to decide how best to manage their networks following last month's court ruling that the FCC exceeded its authority in the Comcast BitTorrent throttling case.

Things aren't looking very good for Net Neutrality proponents increasingly concerned that ISPs will become content and application gatekeepers of the Internet. Last month Comcast prevailed in its long-running appeal of earlier sanctions by the FCC for BitTorrent throttling.

First discovered back in late 2007, Comcast told the FCC that throttling BitTorrent traffic was a justifiable way to keep network traffic flowing for everyone.

Critics argued that the ISP was violating the principle of 'net neutrality,' that all Internet traffic should be treated equally regardless of consumption levels, and hinted that the company has ulterior motives in hindering the downloading of video content since the practice competes with its very own rapidly

expanding cable TV business.

The efforts also ran contrary to President Obama's campaign promise to "protect the openness of the Internet." He also said that throttling of BitTorrent and other P2P applications would be illegal. The United States Court of Appeals for the District of Columbia Circuit ruled that Congress has never given the FCC authority to regulate the Internet let alone network management practices. It found the FCC lacked the "ancillary" authority relevant to the "effective performance of its statutorily mandated responsibilities."

It first seemed that Genachowski would naturally turn to Congress for help, but according to reports, he's "leaning toward" a decision not to "reclassify" broadband in order to re-establish FCC authority over the nation's ISPs.

Why? It's not because he suddenly thinks it's unnecessary, but rather that he's afraid the "current regulatory framework would lead to constant legal challenges to the FCC's authority every time it attempted to pursue a broadband policy." In other words he's afraid ISPs like Comcast will drag every decision it makes through the courts for years.

Critics like Public Knowledge, a DC-based digital rights group, are rightly upset, emphasizing the fact that ISPs are important "on-ramps" to the Information Superhighway, and that we can't allow them to "insert themselves in the middle" picking winners and losers in the process.

"The loss of an open Internet would irrevocably diminish the freedom of expression of all Americans, who already have and increasingly will come to rely on this most accessible and democratic communications medium," the group's President, Gigi B. Sohn, told the FCC during a recent Seattle workshop held to discuss how to preserve an open Internet in the wake of the Comcast ruling. "The loss of such freedoms would be especially devastating to typically marginalized demographic groups, such as low-income individuals, rural populations, and people of color. Thus, it is critical that the Commission adopt rules to protect both citizens and companies from the activities of access providers that would change the fundamental open nature of this revolutionary medium."

Others like FreePress, a national, nonprofit organization dedicated to universal access to communications, also expressed its anger with the reports Genachowski was throwing in the towel. Said the group's Executive Director Josh Silver in a statement:

We simply cannot believe that Julius Genachowski would consider going down this path. Failing to reclassify broadband means the FCC is abandoning the signature communications and technology issues of the Obama administration. Such a decision would destroy Net Neutrality. It would deeply undermine the FCC's ability to ensure universal Internet access for rural, low-income and disabled Americans. It will undermine the FCC's ability to protect consumers from price-gouging and invasions of privacy.

If Chairman Genachowski fails to re-establish the FCC authority to protect Internet users, he will be allowing companies like Comcast, AT&T and Verizon to slow down, block or censor content at will. They can block any website, any blog post, any tweet, any outreach by a political campaign "and the FCC would be powerless to stop them. Without reclassification, nearly every broadband-related decision the agency makes from here forward will be aggressively challenged in court, and the FCC

will likely lose.

The phone and cable companies know this, which is why they're going all out to keep the FCC from doing so. Genachowski should not buckle to phone and cable industry pressure, but it will take courage to stand up to one of the biggest lobbying juggernauts in Washington. It's not too late ? and the public is watching.?

This decision facing the FCC chairman is about more than one single issue, or even a broken promise to the American people. If the FCC fails to stand with the public, it will be the end of the Internet as we know it.

Without skipping a beat ISPs are, in fact, happy the FCC will reportedly give them free reign, and warned that any interference in the market or ?further regulation? will discourage ?private investment and market-driven innovation.?

What ISPs, and now apparently the FCC, conveniently overlook is that there is no marketplace competition in this country. ISPs enjoy regional monopolies that do allow them to pick winners and losers when it comes to applications, services, and even destinations on the Internet. With the Internet having become such a vital tool for everything from education, communication, and entertainment to civic and political participation, people need to have a system of check and balances in place to guard their interests as well.

With some ISPs like Comcast venturing into the world of content production and distribution it's only a matter of time before they decide to how best to ?manage? your broadband connection.

Let's only hope Genachowski reconsiders. Net Neutrality's too important to just simply give up on without a fight.